

Anniston, Alabama

July 16, 2019

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chambers in the City Hall of the City of Anniston, Alabama, on Tuesday, July 16, 2019, at approximately 5:30 o'clock p.m.

Nathaniel Pruitt, Anniston Full Gospel Holy Temple, prayed the Invocation.

Nathaniel Pruitt, Anniston Full Gospel Holy Temple, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Reddick, Little, Harris, and Draper, absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, Interim City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Reddick made a motion to waive the reading of and approve the minutes of the June 27, 2019 regular meeting. The motion was seconded by Council Member Harris and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the July 9, 2019 regular meeting. The motion was seconded by Council Member Harris and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper made a motion to approve the agenda with the addition of item e: Motion to extend the Moratorium for Ambulance Service Ordinance, and item f: Motion to appropriate \$3,000.00 for use to the Runner's club to the consent agenda. The motion was seconded by Council Member Reddick and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the amended agenda was approved.

Mayor Draper read a Proclamation for the Keep Alabama Beautiful Affiliate:

WHEREAS, Keep Alabama Beautiful (KALB) an affiliate of Keep America Beautiful, is the partnership of more than 100 organizations and communities in Alabama seeking to increase awareness of way to maintain a clean and beautiful state; and

WHEREAS, the mission of Keep Alabama Beautiful is to enable volunteers throughout Alabama to improve litter prevention practices, recycling, beautification and community greening efforts; and

WHEREAS, the spirit of volunteerism is alive and well in Anniston, Alabama, and we value citizen participation in community improvement projects; and

WHEREAS, there are no fees, dues or donations required to become a Keep Alabama Beautiful affiliate.

NOW, THEREFORE, We, the City Council of the City of Anniston, Alabama, do hereby express the City's desire to become an affiliate of Keep Alabama Beautiful and urge all organizations, businesses and citizens to participate in making Anniston a more beautiful place to live, work and play.

Mayor Draper opened a public hearing for Board Confirmation of Laura Alexander to the Parks, Recreation and Beautification Board.

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution authorizing reimbursements to City Officials for expenses incurred while traveling away from the City (19-R-174)
- (b) Resolution authorizing the submission of a Grant under the FY 2019 Law Enforcement- Based Victim Specialist Program (19-R-175)
- (c) Resolution appointing member(s) to the Parks, Recreation and Beautification Board (19-R-176)
- (d) Resolution declaring certain personal property surplus and authorizing the donation of said property (19-R-177)
- (e) Motion to extend the moratorium of the Ambulance Services Ordinance
- (f) Motion to appropriate \$3,000.00 for use to the Runner's Club

The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the consent agenda was approved.

Council member Little made a motion to hire someone to give an estimate on how much it will cost to remediate the environmental issues in the Federal Courthouse and build it out for a City Hall. The motion was seconded by Council Member Reddick.

Council Member Little stated that the council does not know what it would cost to utilize that building as the new city hall and the citizens would be expected to pay the cost out of their pockets if the council decides to renovate that particular building. He stated that it is right and prudent for the council to hire someone to go through to see what it would cost for environmental issues etc.

Mayor Draper stated that they do need to wrap their head around what it would cost to renovate the federal courthouse but they are not at that point yet, until phase II is done.

Council Member Jenkins stated that there are more factors to consider and the cost to remediate the building depends on what we do with the facility; and that they do not know what the environmental issues are and the idea is not bad but it is just premature.

Council Member Harris stated that she thinks this is a reasonable request but the timing is not urgent to do immediately but it will be imperative before they make any plans to know what we will be spending; and that she hopes the federal building can be saved and restored and be the home for city hall.

Council Member Reddick stated that during the civil rights movement, they would say people need rights but not right now; and that they are asking for what it is going to cost to make the change and the council could make an amendment that it be done after phase II.

Council Member Reddick made a motion to amend Council Member Little motion to hire someone to give an estimate on how much it will cost to remediate the environmental issues in the Federal

Courthouse and build it out for a City Hall after Phase II is completed. The motion was seconded by Mayor Draper

Council Member Little stated that the time is not right to do it because the time has passed, and that they should have done this before they voted to give their property to GSA. They cannot negotiate with GSA what to pay if they do not know the cost to move to where they are going. He stated that the citizens will be taxed or put fees on them. It is a goofed up plan.

Mayor Draper stated that this is a 42million dollar courthouse building with 300+ jobs downtown and no one has purposed that any citizen of this City be taxed for anything or pay any additional fee so he has to take issue with that and irresponsible to put that out.

Council Member Jenkins stated at this point they still have not decided what they are going to do with that building.

And on call of the roll, the following vote was recorded ayes: Council Member Reddick and Little; nays: Council Member Jenkins, Harris, and Draper. The motion to amendment Council Member Little's motion failed.

And on call of the roll, the following vote was recorded: ayes: Council Member Reddick and Little; nays: Council Member Jenkins, Harris, and Draper. The motion to hire someone to give an estimate on how much it will cost to remediate the environmental issues in the Federal Courthouse and build it out for a City Hall failed.

Council Member Little made a motion to request an estimate be prepared on cost to purchase land and build a new city hall. The motion was seconded by Council Member Reddick.

Council Member Harris asked where they are talking about purchasing land because location would play a lot in the estimate of the cost.

Council Member Little stated that there are several locations in the city around city hall that will be looked at and there is not one particular location they will be looking at.

Mayor Draper stated that they are going to have to move back somewhere downtown, and this is something to look at but he does not know if the time to look at it is now.

Council Member Jenkins stated that he will make the suggestion that eventually the issue will need to be addressed but if they could table Council Member Little motion and come back with language to solicit proposals from qualified consultant teams that could do all of the components defined in motion a and b. So that the team would review the phase II environmental and the facility and make a recommendation of how to use that building as a city hall and the cost and weigh that against using a city owned property or constructing a new city hall.

Council Member Jenkins made a motion to table Council Member Little's motion. The motion was seconded by Council Member Little; and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Council Member Little's motion was tabled.

Council Member Little made a motion to request an estimate be prepared on cost to purchase the Consolidated Publishing Building. The motion was seconded by Council Member Reddick.

Council Member Reddick stated that if they took some time and looked over the motion they would not be in situations where they are in the middle of a council meeting and say if the wording was a little different then we could support this. This would have made life easier.

Council Member Jenkins stated that they looked at Consolidated Publishing as a temporary location and that City hall does not need to locate out there but downtown. Consolidated Publishing made the most financial sense for a temporary location for the citizens of Anniston.

Council Member Reddick stated that he voted to go to the Consolidated Publishing Building because it made the most financial sense and that he doesn't want to see the City of Anniston go bankrupt before the next council takes office.

Council Member Little stated that it was not the most feasible economic mean to move to the Star. The most feasible economic move is to build on the chalk line site.

And on call of the roll the following vote was recorded: ayes: Council Member Reddick and Little; nays: Council Member Jenkins, Harris, and Draper. The motion failed.

Mayor Draper made a motion to read Ordinance 19-O-8 An Ordinance amending the Fiber Optic facilities franchise agreement by the City of Anniston, Alabama and M2 Connections, A Division of JKM Consulting, Inc., and its successor in interest, Southern Light, LLC by title only (2nd Reading). The motion was seconded by Council Member Reddick.

Mayor Draper opened a public hearing to receive public comment to have Ordinance 19-O-8 read by title only. No one spoke. Mayor Draper closed the public hearing to receive public comment to have Ordinance 19-O-8 read by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-8 will be read by title only.

Bruce Downey, City Attorney, read and introduced Ordinance 19-O-8 by title only

ORDINANCE NO. 19-O-8

ORDINANCE AMENDING THE FIBER OPTIC FACILITIES FRANCHISE AGREEMENT BY THE CITY OF ANNISTON, ALABAMA AND M2 CONNECTIONS, A DIVISION OF JKM CONSULTING, INC., AND ITS SUCCESSOR IN INTEREST, SOUTHERN LIGHT, LLC

BE IT ORDAINED by the Council of the City of Anniston, Alabama (the "Council"), as governing body of the City of Anniston, Alabama (the "City"), as follows:

Section 1. The Council, upon evidence duly presented and considered by it, has found and determined, and does hereby find, determine and declare:

(a) M2 Connections, a division of JKM Consulting, Inc., an Alabama corporation, and Southern Light, LLC, as its successor in interest (the "Provider"), owns and operates a fiber optic, telecommunications infrastructure company that offers broadband service within the City;

(b) Provider owns and operates the systems, facilities and services within the City pursuant to that certain franchise agreement dated August 10, 2016, as approved by Ordinance No. 16-O-13 (the "Franchise Agreement");

(c) The City and Provider desire to approve the assignment and transfer of the franchise to Southern Light, LLC, and to affirm and establish Southern Light, LLC's agreement to have and perform all rights, duties and obligations of M2 Connections under the Franchise Agreement;

(d) The City and Provider further desire to amend the Franchise Agreement to modify the "Designated City Network Locations," as identified in Exhibit A to the Franchise Agreement;

(e) Pursuant to Sections 220 and 228 of the Constitution of Alabama of 1901, as amended, and subject to the limitations of Section 22 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, the City and Provider have prepared that certain Amendment to Franchise Agreement, as set forth hereinafter and for the purposes referenced therein.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) The agreements, covenants, and undertakings of the City set forth in the Amendment to Franchise Agreement, and

(b) The terms and provisions of the Amendment to Franchise Agreement, in substantially the same form and content as set forth in the exhibit hereto, with such changes thereto by addition or deletion as the City Manager shall approve, which shall be conclusively evidenced by execution and delivery of the Amendment to Franchise Agreement.

Section 3. The City Manager is authorized and directed to execute and deliver the Amendment to Franchise Agreement for and on behalf of the City, and the City Clerk is directed to attest the same. The City Manager is further authorized and directed to take all such actions, and to execute, deliver and perform all such agreements, documents, instruments, notices and proceedings with respect to the Amendment to Franchise Agreement, as the City Manager deems to be necessary or appropriate to keep and carry out the provisions of the Amendment to Franchise Agreement.

Section 4. This ordinance shall become effective immediately upon its adoption and publication one time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama. The City Clerk is hereby ordered and directed to cause a copy of this ordinance to be published one time in said newspaper.

PASSED and ADOPTED this 16th day of July, 2019.

COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay W. Jenkins, Council Member

By:/s/ David E. Reddick, Council Member

By:/s/ Benjamin L. Little, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Ordinance 19-O-8. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-8 was passed and adopted.

Mayor Draper made a motion to read Ordinance 19-O-9 An Ordinance Declaring Surplus Real Property by title only (2nd Reading). The motion was seconded by Council Member Reddick.

Mayor Draper opened a public hearing to receive public comment to have Ordinance 19-O-9 read by title only. No one spoke. Mayor Draper closed the public hearing to receive public comment to have Ordinance 19-O-9 read by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-9 will be read by title only.

Bruce Downey, City Attorney, read and introduced Ordinance 19-O-9 by title only.

ORDINANCE NO. 19-O-9

ORDINANCE DECLARING SURPLUS REAL PROPERTY

WHEREAS, the City of Anniston does own and possess certain real property located at and adjoining 1128 Gurnee Avenue, Anniston, Alabama 36201, and more specifically described as follows:

Block 148 Subdivision as found in the Office of Probate of Calhoun County, Alabama in Plat Book JJ Page 12.

WHEREAS, the Property has been selected by the United States Administrator of General Services ("GSA") for the acquisition and construction of the new federal courthouse in Anniston, Alabama;

WHEREAS, the Council has resolved to convey the Property to GSA in exchange for the existing federal courthouse property on those terms and conditions set forth in that certain Real Estate Exchange Agreement between the City and GSA;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Anniston, Alabama as follows:

Section 1. It is hereby established and declared that the Property is surplus to the City of Anniston and is no longer to be used by the City for public or municipal purposes. The Mayor is authorized and directed to execute a deed to the Property conveying the City's right and title to the same in accordance with the Real Estate Exchange Agreement between GSA and the City.

Section 2. This ordinance shall become effective immediately upon its adoption and publication one time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama. The City Clerk is hereby ordered and directed to cause a copy of this ordinance to be published one time in said newspaper.

PASSED and ADOPTED this 16th day of July, 2019.

COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay W. Jenkins, Council Member

By:/s/ David E. Reddick, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Ordinance 19-O-9. The motion was seconded by Council Member Harris.

Council Member Little stated that he does not think the council should GSA the land like that with the deal that has been made; and that he does not want to kill the courthouse but he does not what the courthouse to kill the City of Anniston and it would take nothing for GSA to negotiate a better deal.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Harris, and Draper; nays: Council Member Little. The motion carried and Ordinance 19-O-9 was passed and adopted.

Mayor Draper made a motion to read Ordinance 19-O-10 An Ordinance amending Chapter 31, Article III of The Code of the City of Anniston, Alabama, 1981 governing Ambulance Service (1st Reading) by title only The motion was seconded by Council Member Jenkins.

Mayor Draper opened a public hearing to receive public comment on reading Ordinance 19-O-10, by title only. No One Spoke. Mayor Draper closed the public hearing to receive public comment on reading Ordinance 19-O-10 by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-10 will be read by title only.

Bruce Downey read and introduced Ordinance 19-O-10 by title only.

Mayor Draper made a motion to read Ordinance 19-O-11, An Ordinance Enacting regulations governing the Sale of Dogs and Cats in Pet Shop (1st Reading) by title only. The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comment on reading Ordinance 19-O-11 by title only.

David Reddick, 1309 Crane Ave, addressed the council that the problem he has with the ordinance being read by title only, the public should be aware of what it says. If any animal comes from professional breeder than they cannot sale the animal within the city limits but if the animal comes from a shelter than it can be sold which essentially ties the hands of a business that may want to come to the city. It is also slanderous as if all organizations are mistreating animals.

Mayor Draper closed the public hearing to receive public comment on reading Ordinance 19-O-11 by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-11 will be read by title only.

Bruce Downey read and introduced Ordinance 19-O-11 by title only.

Mayor Draper made a motion to read Ordinance 19-O-12, An Ordinance Amending Chapter 4 of the Code of Ordinance governing the Seizure, Custody and Disposition of Animals (1st Reading) by title only. The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comment on reading Ordinance 19-O-12 by title only. No one spoke. Mayor Draper closed the public hearing to receive public comment on reading Ordinance 19-O-12 by title only.

Bruce Downey read and introduced Ordinance 19-O-12 by title only.

Mayor Draper made a motion for unanimous consent for immediate consideration of Ordinance 19-O-12. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion for unanimous consent for immediate consideration failed.

Glen Ray, 3514 Dale Hollow, addressed the council as NAACP President that the citizens are already being hurt apart from being taxed. And that his son has been sitting in federal prison but has never been charged.

Christopher Carr, 1824 Moore Ave, addressed the council on the turmoil in the community. There was a tragic killing in the area two weeks ago and they are trying to build up the neighborhood. There is an owner in the community who does not have control over his property and they have not been able to get any assistance from him.

Demetric Roberts, 1806 W. 16th St, addressed the council on behalf of something to do Sunday. On July 21st 3-5 they will be at Glenn Addie Community Center and on August 3 they will be having a back to school drive at Zinn Park at 8am.

Carl Ware, Bancroft Ave, addressed the council that no one is cutting trees in West Anniston and that the nuisance signs are not being put up and nothing is being done.

Council Member Jenkins had no comment.

Council Member Reddick thanked members of the community for coming out and being a part of the council meeting. Protect our children because they need professional role models.

Council Member Little thanked Voices of the People for what they did with the kids; He stated that a lot of people are coming out to help in the community and that is why they should not be putting Storm water fees on them. He wants the council on board for what took place at Cooper Homes and any contamination that have taken place. He stated he wants an investigation of how Tim Brunson got into his VA records? And he needs to be removed from the Police Advisory Board.

Council Member Harris stated that one of the greatest assets, in this town, is our people. Wanted to thank the Greater Anniston Business Association, and all the volunteers for Sunny King Golf tournament. The proceeds of \$120,000.00 is going to local nonprofits and it could not be done without the volunteers.

Mayor Draper thanked everyone for coming out and participating and that part of participating is investigating and learning what is going on. And not to take everything at face value.

Council Member Little made a motion to adjourn into Executive Session to discuss the general reputation and character of individuals. The motion was seconded by Council Member Reddick and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the council adjourned into Executive Session at 6:51 p.m.